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PATENT
P56255

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

DONG-YOUL LEE

Serial No.: 09/805,929

Examiner: DANIEL JR., WILLIE J.

Filed: 15 March 2001

Art Unit: 2686

For: CALL ORIGINATING SERVICE METHOD IN A PUBLIC AND PRIVATE
COMMON MOBILE COMMUNICATION SYSTEM AND APPARATUS

PETITION UNDER 37 CFR §1.181

Commissioner for Patents
P.O.Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant petitions the incompleteness of the March 28, 2005 Office action.

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Date: 5/31/05
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STATEMENT OF FACTS

1. On August 9, 2004, a Final Office action (Paper No. 7) was mailed rejecting all pending claims (claims 16-19).
2. On January 3, 2005, Applicant filed an RCE amendment in response to the August 9, 2004 Final Office action traversing the rejection of claims 16-19.
3. On March 28, 2005, a non-final Office action was mailed rejecting each of claims 16-19 under the same grounds without commenting or addressing Applicant's traversal of the rejection of these claims filed on January 3, 2005.

ARGUMENT AND/OR REMARKS

Applicant hereby petitions under 37 CFR §1.181 the incompleteness of the March 28, 2005 Office action. Applicant submits that in violation of 37 C.F.R. 1.104 (b) and MPEP 707.07 (f), the Examiner never considered Applicant's traversal of the rejection of claims 16-19 found in the Remarks section of the January 3, 2005 RCE amendment.

37 C.F.R. 1.104 (b) states that an Office action must be complete. MPEP 707.07 (f) states that the Examiner is to answer all material traversed. In Applicant's January 3, 2005 amendment, Applicant traversed without amendment the rejection of claims 16 through 19 of the Final Office action of August 9, 2004. In the next Office action mailed March 28, 2005, this traversal was never recognized, considered, addressed or responded to by the Examiner. In addition, the Examiner rejected claims 16 through 19 using the same grounds using the exact same combination of prior art references.

In addition to the CFR and the MPEP, notions of fairness and compact prosecution dictate that prosecution to be advanced as rapidly as possible. This does not occur when Applicant, after incurring great expenses and loss of time, traverses unamended claims and the Examiner does not address the traversal of the unamended claims. Because the March 28, 2005 Office action never addressed, considered, or commented on Applicant's traversal of claims 16-19 on January 3, 2005, prosecution has not advanced.

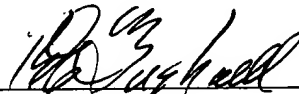
Therefore, Applicant submits that the March 28, 2005 Office action was entirely inadequate and must be vacated in place of a new, complete, non-final Office action.

RELIEF REQUESTED

Therefore, in view of the foregoing, the Commissioner is respectfully requested to:

- A. Vacate the March 28, 2005 Office action;
- B. Issue a new non-Final Office action addressing and responding to Applicant's January 3, 2005 traversal of claims 16-19; and
- C. Grant Applicant such other and further relief as justice may require.

Respectfully submitted,



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